



DENTAL BOARD OF CALIFORNIA
1432 HOWE AVENUE, SUITE 85, SACRAMENTO, CA 95825-3241
TELEPHONE: (916) 263-2300
FAX: (916) 263-2140
www.dbc.ca.gov



Sheraton San Diego Hotel & Marina
1380 Harbor Island Drive
San Diego, CA

**April 3-4, 2003
Board Meeting
Minutes**

The meeting was called to order at 9:20 am. All members were present except for Ms. LaDonna Drury-Klein. A quorum was established.

Members Present

David Baron, Public Member
Newton Gordon, DDS
Lawrence Hundley, DDS
Alan Kaye, DDS
Patricia Osuna, RDH
Michael Pinkerton, Public Member
George SooHoo, DDS
Ariane Terlet, DDS
Chester Yokoyama, DDS

Staff Present

Cynthia Gatlin, Executive Officer
Gladys Mitchell, Staff Manager
Lynn Thornton, Chief of Enforcement
Norine Marks, Legal Counsel
Irene Gonzales, Budget Analyst
Peggy Bagdasarian, Enforcement Coordinator
Anita Dowty, Enforcement Unit
La Rita Abdul-Rahman, Executive Secretary
Traci Napper, CE Coordinator

Agenda Item 3 – Approval of Minutes

It was m/s/c (Pinkerton/Gordon) to approve the minutes of the January 31, 2003 meeting as written.

It was m/s/c (Gordon/Pinkerton) to approve the minutes of the February 20, 2003 teleconference meeting with the following change:

The spelling of Dr. Stan Sarabian should be Surabian.

Agenda Item 4 – President's Report

Dr. Alan Kaye thanked Ms. Tricia Osuna for her efforts in helping coordinate the AADE Annual Meeting to be held in San Francisco, CA in October 2003. Dr. Kaye asked Ms. Osuna to provide the board a brief update on her involvement.

Ms. Tricia Osuna informed the board that members are not expected to accompany spouses on tours. However, the board was asked to get corporate sponsors for the meeting. Ms. Osuna attended the AADE Chicago Meeting and met with about 25 different corporate entities and provided information about sponsorship exhibit space. A letter was sent to Mayor Willie Brown asking him to bring greetings on behalf of the Dental Board and the State of CA. Mr. Brown has not yet

responded. Several board members have volunteered to assist with registration. Ms. Osuna will provide another update at the July board meeting.

Dr. Kaye, as well as Dr. Newton Gordon and Dr. Ariane Terlet attended the Dental Exam held at UOP March 27-30, 2003. Dr. Kaye stated he was very impressed with the quality of the exam and the calibration process. Dr. Chester Yokoyama attended the Dental Exam held at USC February 20-23, 2003 for the first time since taking the boards. He also commended Dr. George SooHoo on the excellent job he is doing with exams.

Dr. Kaye asked Mr. Michael Pinkerton to give a brief report on the Sunset Hearing that was held April 2, 2003. Mr. Pinkerton reported that the hearing was relatively uneventful. The Enforcement Monitor, Mr. Ben Frank, gave a short presentation. Ms. Cynthia Gatlin, Executive Officer, and Ms. Lynn Thornton, Chief of Enforcement were also in attendance and responded to Mr. Frank's remarks. Overall, Mr. Pinkerton felt it was very positive and that the board is on the right track.

Dr. Kaye noted that the board is working with a very sparse budget. As a result, expenditures are being monitored more closely. Dr. Kaye has asked Ms. Irene Gonzales, Budget Analyst, and Ms. Cynthia Gatlin to assist him in picking and choosing what events board members will be going to to help control the constant bleed of money out of a very tight budget.

Dr. Kaye addressed his concern with Dental Insurance Companies, such as Delta Dental, dictating treatment for patients. Dr. Kaye would like to invite a representative from Delta Dental to address the issues of coverage and billing practices.

It was m/s/c (Baron/Pinkerton) to direct staff to prepare a letter inviting Delta Dental to attend the next meeting of the board.

Lastly, Dr. Kaye announced his appointment of Drs. George SooHoo and Newton Gordon to CDA's Taskforce to Review the Licensing Examination.

Agenda Item 5 – Executive Officer's Report

Ms. Cynthia Gatlin reported on the following issues:

- Over the past two weeks, she has had meet and greet sessions with Senator Figueroa, Senator Aanestad, and Assemblyman Correra. She is also scheduled to meet with Senator Vincent next week.
- Ms. Gatlin is working with Mr. Travis McCann, Facilitator with the Department of Consumer Affairs, to set up a Strategic Plan Development Session. Possible dates that would not conflict with exams and board meetings were provided for the board's consideration. September 8,9,10, 2003 was tentatively selected to have the Strategic Planning Session. Location to be determined.
- Ms. Gatlin informed the members of two new hires to the board. Ms. Linda Madden is the new Legislation Coordinator for the board and Ms. Karen Davies handles the issuance of permits and the board's newsletter.

A temporary solution has been put into place to correct the inability of consumers to reach board staff.

Agenda Item 6 – Budget Report

Budget Analyst, Ms. Irene Gonzales, informed the board of an error on the budget projections provided in their board packets. However, a corrected version was provided to all members and to the public. The projections reflect the loss of revenue associated with the General Fund loans of \$5m in FY 02/03 and \$5m in FY 03/04. This report also included appropriations of \$3m over the next three fiscal years, to fund the Dental Corp Loan Repayment Program to begin in FY 03/04.

Ms. Gonzales provided additional exhibits showing the intended Budget Change Proposals in the amount of \$1,043,519 that will increase the board's spending authority to assists in administering new programs, such as Licensure by Credential, the Loan Repayment Program and the Mexican Dentist Pilot Program. She informed the board of the department-wide implementation of the Professional Licensing and Enforcement Management System (PLEMS) in FY 05/06 that will cost approximately \$206,300.

At the January 2003 meeting, CDA requested an analysis of the board's budget to include how the budget would be affected if the licensing fees were to be reduced. As a result of all of the above-mentioned anticipated activity, it was determined that a reduction in fees would not be feasible at this time.

Mr. Pinkerton requested that staff continue to monitor the budget and to inform the board when the opportunity exists, to ask for additional funds through budget change proposals.

Agenda Item 7 – Proposal of Consumer Friendly Dental Materials Fact Sheet

Dr. Chester Yokoyama, Chair of the Dental Material Fact Sheet Committee, informed the board of his intent to have a proposed Consumer-Friendly Fact Sheet based on the existing Dental Materials Fact Sheet available for this meeting. However, due to differences of opinion between committee members and the controversy over the accuracy of the existing Fact Sheet, that draft is not yet available. Dr. Yokoyama stated he would like to model the Fact Sheet after the existing fact sheet provided by the state of Maine and is hoping to present a draft at the next board meeting.

Public comments were received from Dr. David Kennedy, Ms. Anita Tibau, Mr. Jeff Green, Ms. Collette Galvez, Mr. Charlie Brown, and Dr. Earl Johnson in support of the board reviewing the science and developing an accurate consumer-friendly fact sheet.

Agenda Item 8 – Proposed Regulatory Language on AB 982

Legal Counsel, Ms. Norine Marks informed the board of the following small change to the modified language that was made after the board packets were mailed:

(e) "Full-time status" or "full-time practice" means providing dental services for a minimum of 40 hours per week, for a minimum of 45 weeks per year. The 40 hours per week may not be accrued in less than four days per week. The 40 hours per week may be worked at more than one practice setting (as defined by Section 1971(f) of the code). At least 32 hours per week must be spent

providing direct patient care at the approved practice setting(s), and up to 8 hours in practice-related activities, e.g., chart review, meetings, etc. Time spent "on-call" cannot be counted toward the 40-hour week.

It was m/s/c (Hundley/Gordon) to accept proposed language and set for hearing.

Agenda Item 9 – Recommendation to Adopt Regulation Defining Bachelor's Degree Equivalency for RDHAP

COMDA Chair, Ms. Rhona Lee, requested the board adopt the modified language of section 1079.2.

It was m/s/c (Osuna/Terlet) to adopt. Dr. Gordon abstained.

Agenda Item 10 – Set Meeting Dates for 2004

Ms. Tricia Osuna suggested that the board establish a system that at each meeting a meeting date for the following year is set.

Legal Counsel, Ms. Norine Marks, suggested that the board consider setting five instead of four meeting dates for 2004. This would alleviate some of the problems that occur in disciplinary cases and the time that passes in between meetings.

It was m/s/c to tentatively set the board meeting for January 29-30, 2004.

Agenda Item 11 – Proposed Language to Amend CCR § 1021(u)

This item was provided as information only to make the board aware that as directed at the January 2003 meeting, staff has prepared a notice to set for hearing in July.

Agenda Item 12 – Diversion Evaluation Committee Liaison Report

In the absence of Committee Chair, Ms. LaDonna Drury-Klein, Ms. Gladys Mitchell provided a brief overview of the Diversion Statistics. This item was provided as information only.

Agenda Item 13 – Continuing Education Committee Chair Report

It was m/s/c (Baron/Gordon) to accept the report as presented by Ms. Osuna.

Agenda Item 14 – Legislative Committee Report

It was m/s/c (Hundley/Gordon) to accept the report as given by Mr. Pinkerton.

Agenda Item 15 – Enforcement Committee Report

It was m/s/c (Baron/Osuna) to accept the report as presented by Mr. Pinkerton.

Agenda Item 16 – Examination Committee Report

It was m/s/c (SooHoo/Hundley) to accept the report as given by Dr. SooHoo.

Agenda Item 17 – Access to Care Subcommittee Report

It was m/s/c (Terlet/Hundley) to accept the report as presented by Dr. Kaye.

Agenda Item 18 - Public Comment

Dr. Peter Scheer of Mirage Surgery Center gave a brief presentation to the board and asked the board to rescind its January 2000 letter on OMS Scope of Practice. Dr. Kaye requested this item be agendaized for the next meeting for more discussion.

The meeting was adjourned at 11:30 am.